

EX-102

February 1, 1972

REC-6 94-8-51-643

Mr. Robert M. Phelps
News Editor
Washington Bureau
The New York Times
1920 L Street, Northwest
Washington, D. C. 20036

Dear Mr. Phelps:

Your telegram of January 27th was received.

In connection with your request to photograph the December, 1971, issue of "The Investigator," permission to do so is neither granted nor denied pending more specific information as to which portions you wish to copy. We believe that some information in this publication is protected against disclosure but that other information may not be protected.

Sincerely yours,

J. Edgar Hoover

MAILED 5

FEB 1 1972

FBI

- 1 - Mr. Herbert G. Klein (detached)
1 - The Attorney General (detached)
1 - The Deputy Attorney General (detached)
1 - Mr. Mohr (detached)
1 - Mr. Bishop (detached)
1 - Mr. Callahan (detached)
1 - Mr. Dalbey (detached)
1 - M. A. Jones (detached)

NOTE: See M. A. Jones to Bishop Memo dated 1-31-72 captioned, "Robert M. Smith, Reporter, 'New York Times,' Request to Photograph Portions of the December Issue of 'The Investigator.'"

TDH:paa (11)

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MAIL ROOM ☐

TELETYPE UNIT ☐

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 28 1972

WESTERN UNION

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BL INTRA FR REG PDB TLX W WASHINGTON DC 126 01-27 814P EST

J EDGAR HOOVER, DIRECTOR

FBI / WASHDC

(FOLLOWING TELEGRAM SENT TO JOHN N. MITCHELL WITH COPY TO HERBERT KLEIN)

ON JANUARY 26 THE NEW YORK TIMES WAS ORALLY DENIED PERMISSION TO TAKE PICTURES OF THE DECEMBER, 1971 ISSUE OF THE F.B.I. MAGAZINE FOR ITS EMPLOYEES. "THE INVESTIGATOR." COUNSEL ADVISES ME THAT THE F.B.I. HAS AN OBLIGATION UNDER THE FREEDOM OF INFORMATION ACT TO PERMIT THE TIMES TO TAKE THESE PICTURES BECAUSE "THE INVESTATOR" IS NOT WITHIN THE EXCLUSIONS UNDER THE LAW. THIS TELEGRAM IS A FORMAL REQUEST IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT FOR PERMISSION TO TAKE PICTURES OF THE DECEMBER, 1971 ISSUE OF "THE INVESTIGATOR". PLEASE RESPOND BY LETTER OR TELEGRAM TO ROBERT H. PHELPS, NEWS EDITOR, WASHINGTON BUREAU;

Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Walkart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

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REC-6 94-8-51-643
EX-102
20 FEB 3 1972

THE NEW YORK TIMES, 1920 L ST., N.W., WASHINGTON, D.C. 20036

ROBERT PHELPS.

JAN 8 1972 830

MR. FELT FOR THE DIRECTOR

COPY MADE FOR MR. TOLSON

89-415 WSH CC: Mr. Bishop

WBS
CORRESPONDENCE

Let to Phelps
1-21-72
AG
Let to AG
1-21-72
1-21-72

PLST
2

The Attorney General

February 17, 1972

EX-104
Director, FBI REC-51

94-8-51-653

Wit
REQUEST OF "THE NEW YORK TIMES"
TO PHOTOGRAPH PORTIONS OF THE
DECEMBER, 1971, ISSUE OF "THE
INVESTIGATOR"

Qunt 57

Attached for your information is a copy of a telegram, dated February 15, 1972, sent to me by Mr. Robert H. Phelps of "The New York Times." My views in this matter were expressed in my memorandum to you of February 1, 1972, captioned as above, and I have no additional comments to make at this time.

NEW YORK, N.Y.

Enclosure

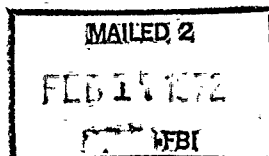
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Callahan
- 1 - Mr. Dalbey
- 1 - Mr. M. A. Jones-detached

27 Feb 1972

NOTE: This is the latest of a series of moves initiated by Robert M. Smith of "The New York Times" to photograph the December, 1971, issue of "The Investigator."

TDH:ssa (9)

- Tolson
- Felt
- Rosen
- Mohr
- Bishop
- Miller, E.S.
- Callahan
- Casper
- Conrad
- Dalbey
- Cleveland
- Ponder
- Bates
- Valkart
- Walters
- oyars
- Room
- Holmes
- Gandy



57 FEB 25 1972

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 15 1972

WESTERN UNION

JK INTRA FR REG PDB TLX W WASHINGTON DC 154 02-15 354P EST

J EDGAR HOOVER DIRECTOR

FEDERAL BUREAU OF INVESTIGATION / WASHDC

(FOLLOWING TELEGRAM SENT TO JOHN N. MITCHELL WITH COPY TO HERBERT KLEIN)

AFTER ORAL REQUESTS WERE DENIED, THE NEW YORK TIMES FORMALLY ASKED, UNDER THE FREEDOM OF INFORMATION ACT, FOR A COPY OF THE DECEMBER, 1971 ISSUE OF THE FEDERAL BUREAU OF INVESTIGATION PUBLICATION, 'THE INVESTIGATOR,' OR THE RIGHT TO PHOTOGRAPH THE PUBLICATION. ON FEB. 11 THE DEPUTY ATTORNEY GENERAL SENT THE TIMES PART OF THE MATERIAL BUT WITHHELD CRUCIAL PHOTOGRAPHIC MATTER. COUNSEL FOR THE TIMES ADVISES THAT THE MATERIAL BEING WITHHELD DOES NOT FALL WITHIN THE EXCEPTIONS OF THE FREEDOM OF INFORMATION ACT. THEREFORE, IN ACCORDANCE WITH THE PROCEDURES OF THE JUSTICE DEPARTMENT UNDER THE ACT, WE ARE FORMALLY APPEALING TO YOU THE DEPUTY ATTORNEY-GENERAL'S DECISION AND RESPECTFULLY REQUEST THAT THE DECEMBER, 1971 ISSUE OF THE 'INVESTIGATOR' PROMPTLY BE MADE AVAILABLE TO THE TIMES, OR, ALTERNATIVELY, THAT THE PHOTOGRAPHIC MATERIAL BEING WITHHELD BE IMMEDIATELY RELEASED TO THE TIMES".

ROBERT HAPHELPS (NEWS EDITOR WASHINGTON-BUREAU)-NEW YORK
TIMES.

COPY SENT TO MR. TOLSON

COLL 1971 11 1971. /PDC1007518/

600P FEB 15 **

89-415 WSH

MR. FELT FOR THE DIRECTOR

CRIME RESEARCH

Mr. Tolson
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

RECORDED COPY FILED IN 94-3-2-

ask let to
The Attorney
General
2/17/72
6533

Disregard BURS
H. J.